

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135225/FO/2022

Date registered valid: 22 November 2022

Proposal: Erection of 2 metre high fencing to the northern and eastern perimeter of the site boundary, with gated access points

Address: Brydon Court, 3 Union Street, Manchester, M12 4JD

Ward(s): Ardwick Ward

Applicant: Mr Paul Kilkenny, Riverside Group

Agent (if any): Mr Muhammad-Hussain Kidiwala, Arcus Consulting

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11 January 2023

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 1 December 2022 Expired: 22 December 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site / building / area

The application building is a detached, red brick facing, two storey building which sits in its own grounds. The current site is used as a rehabilitation centre and supported living system. The site consists of parking bays, with a site boundary marked by boundary walls and fencing. The site area is approximately 1900.00 sq. metres, and of vehicle and pedestrian access points, with tarmac hardstanding to the north of the site. There is also the presence of soft grounds to the west and south of its curtilage. The existing boundary treatment consist of red brick and mortar dwarf boundary wall to the north and east of the site boundary - (approximately 605mm high along the Union Street and Brydon Avenue elevations), which appears in-part to be in disrepair and dilapidated. The surrounding area context is a mix of uses, comprising residential flats and houses, playing fields, industrial and storage uses, and public houses. There are limited restrictions on on-street car parking in the immediate locality.

Description of development

Consent is sought for erection of a 2 metre high metal boundary treatment to the northern and eastern perimeter of the site boundary, with gated access points. The proposal would also involve making good any boundary walls that are damaged or deteriorating, with mortar joints

and replacement of any missing brickwork along these elevations, including tree pruning and removal to facilitate the installation of the new fencing and gated entries. The proposed black steel powder coated fencing element would run along the perimeter of the Union Street and Brydon Avenue elevations and incorporate 2no. pedestrian access points along Union Street elevation, and 1no. vehicular gated access point along Union Street elevation, the black steel powder coated vehicle gates will incorporate a fob/intercom system to ensure authorised access only.

Consultations & Notification Responses

1. Local residents

Occupiers of properties surrounding the application site were notified of the proposal. No objections, comments, or representations were received.

2. GMP

Greater Manchester Police comments relate to - Boundaries & Access Controls:

Perimeter fencing should be a minimum of 2100mm in height and comprise a welded wire mesh construction.

There should be minimal ground clearance beneath the fence, to reduce the potential for crawling into secure areas.

The entrances should be in keeping with the height of adjacent boundary fencing and should incorporate either:

A pad lockable bolt to the midpoint of the internal face or, a key operable deadlock Gate Lock ShroudCare should also be taken to ensure there are no poles, trees or any other features immediately adjacent, on the publicly accessible side of the site boundary, that could be used as a climbing aid to scale the fencing. Any such features should be pruned or removed where possible. The site boundary treatment should also be positioned on hard standing ground. Where this is not possible, the ground conditions should be reviewed as extra measures may be required to create a secure boundary. Exposed hinges and large sliding bolt apertures/locking points to any gates should be avoided, or fitted with shrouding/protective plates (see opposite) to avoid the creation of footholds.

In summary, the application is supported subject to further consideration of the above matters.

3. Cadent Gas Ltd

Cadent Gas Ltd initially placed a holding objection on the proposal whilst their engineering team reviewed the available information.

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

After reviewing the details of the details of the application, they subsequently advised they have no objection to the proposal from a planning perspective.

POLICY

The following guidance and policies are considered to be relevant to the proposed development.

1. The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- o Chapter 8: Promoting healthy and safe communities.
- o Chapter 12: Achieving well-designed places.

2. The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 - It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)
- o Policy EN19 (Waste)
- o Policy T2 (Accessible areas of opportunity and need)

3. Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 - The document aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. It advises that high quality design is a vital attribute of successful neighbourhoods.

The following paragraphs are of particular relevance:

i. Section 2 Design - Discusses the importance of the design of new development in relation to surrounding neighbourhoods and the character of its streets, in terms of its layout, design, scale, massing and orientation of its buildings to achieve a unified urban form to enliven the neighbourhood and its sustainability. The density of the development should also be informed by the characteristics of an area and the specific circumstances of the proposals. It is considered that these design principles have been satisfactorily incorporated into the development.

ii. Section 8 Community Safety and Crime Prevention - Relates the importance of creating safe environments through the incorporation of informal surveillance and crime prevention measures as an integral part of new development. These objectives have been related to the assessment of the proposed design and layout of the development.

ISSUES

Principle of development

The principle of the proposal is considered acceptable. Notwithstanding this, consideration must be given to proposal's impact upon existing levels of residential and visual amenity.

Residential and Visual Amenity

Impact of works (2 metre high fencing to the northern and eastern perimeter of the site boundary, with gated access points) - The existing dwarf boundary wall to the north and east of the site boundary - (the Union Street and Brydon Avenue elevations) is approximately 605mm high. The proposal would increase the existing height along these elevations with black steel powder coated fencing - to be 2000mm above ground level (including wall), which is considered proportionate given the surrounding context. The proposed fencing would incorporate 2no. pedestrian access points along Union Street elevation, and 1no. vehicular gated access point along Union Street elevation, the black steel powder coated vehicle gates will incorporate a fob/intercom system to ensure authorised access only. In addition, the nature of development would not present significant adverse impact in terms of sight lines, visual splays, and pedestrian safety given the level of proposed permeability above the dwarf brick wall. Therefore, it is considered that the scale of the development in relation to the surrounding context would be acceptable. It is not considered that the development would result in undue visual impacts, disamenity, or highway safety impacts, nor would it be out of character with the streetscene and the wider neighbourhood, pursuant with Core Strategy policies DM1, SP1 and EN1.

Impact of works (Design and appearance) - In design terms, it is not considered that the proposed development would adversely impact on the character of the building or the general area. It would mirror the adjacent properties and is therefore considered acceptable in design terms; although a materials condition has been attached to ensure that the materials are adhered to, pursuant with the requirements of Core Strategy policies DM1, EN1 and SP1.

Impact of works (Car Parking) - The existing arrangement would be unaffected.

Impact of works (Waste Management) - The existing arrangement would be unaffected.

Trees – Trees are shown to be retained.

Conclusion - For the reasons outlined above, and subject to planning conditions, it is considered that the proposed development responds positively to The National Planning Policy Framework (July 2021); policies SP1, DM1, EN1, T2 and EN19 of The Manchester Core

Strategy Development Plan Document (July 2012); and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance, the local planning authority had no concerns to raise with the agent but have attached the relevant conditions.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o Application for Planning Permission form, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Location Plan with application site edged in red, Drawing No 7172-ARC-MK-00-DR-B-010001, Rev 0, received by the City Council as the Local Planning Authority on 22 November 2022.
- o Flood Risk Assessment document, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Supporting Information - Statement of Need document, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Design & Access Statement, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Existing Elevations, Drawing No 7172-ARC-MK-00-DR-B-010002, Rev 0, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Existing LAYOUT PLAN, Drawing No 7172-ARC-MK-00-DR-010002, Rev 0, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Proposed Elevations, Drawing No 7172-ARC-MK-00-DR-B-010004, Rev 0, received by the City Council as the Local Planning Authority on 18 October 2022.
- o Proposed LAYOUT PLAN, Drawing No 7172-ARC-MK-00-DR.010003, Rev A, received by the City Council as the Local Planning Authority on 17 January 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The external facing materials to be used on the development hereby permitted shall match those as stated on the approved plans and submitted documents.

Reason - To ensure that the appearance is not adversely affected by the materials to be used in its construction, pursuant to Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informative

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police
Greater Manchester Police

Flat 1, 10 Higher Ardwick, Manchester, M12 6BZ
Flat 2, 10 Higher Ardwick, Manchester, M12 6BZ
Unit 4 And 5, 44 Higher Ardwick, Manchester, M12 6DA
Unit 3, 44 Higher Ardwick, Manchester, M12 6DA
Unit 2, 44 Higher Ardwick, Manchester, M12 6DA
Unit 1, 44 Higher Ardwick, Manchester, M12 6DA
First Floor, 44 Higher Ardwick, Manchester, M12 6DA
More O Ferrall 9011 Adjacent The Union, 37 - 39 Higher Ardwick, Manchester, M12 6DE
Ground Floor, 44 Higher Ardwick, Manchester, M12 6DA
Ground Floor And First Floor, 44 Higher Ardwick, Manchester, M12 6DA
Basement, 44 Higher Ardwick, Manchester, M12 6DA
Second Floor, City View House, 5 Union Street, Ardwick, Manchester, M12 4JD
First Floor, City View House, 5 Union Street, Ardwick, Manchester, M12 4JD
Ground Floor, City View House, 5 Union Street, Ardwick, Manchester, M12 4JD
44 Higher Ardwick, Manchester, M12 6DA
Pitz Super Soccer 5-A-Side Centre, 20 Union Street, Ardwick, Manchester, M12 4JD
City View House, 5 Union Street, Ardwick, Manchester, M12 4JD
35 Higher Ardwick, Manchester, M12 6DB
1 St Gregory's Road, Manchester, M12 6FT
11 Brydon Avenue, Manchester, M12 6DQ
33 Higher Ardwick, Manchester, M12 6DB
31 Higher Ardwick, Manchester, M12 6DB
Flat 3, 10 Higher Ardwick, Manchester, M12 6BZ
13 Brydon Avenue, Manchester, M12 6DQ
37 Higher Ardwick, Manchester, M12 6DB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA